

THE HONORABLE BENJAMIN SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER,

Plaintiff,

v.

DETECTIVE SHARON KRAUSE, et al.,

Defendants.

NO. C11 5424 BHS

**DEFENDANTS' MOTION FOR
LEAVE TO FILE RENEWED
MOTION FOR JUDGMENT AS A
MATTER OF LAW AND FOR NEW
TRIAL IN EXCESS OF 12 PAGES**

**NOTE ON MOTION CALENDAR:
Friday, February 21, 2014**

I. NATURE OF MOTION & RELIEF REQUESTED

Defendants Sharon Krause and Michael Davidson (hereafter "defendants") hereby

move pursuant to W.D. Local Rule 7(f) for leave to file a combined Renewed Motion for Judgment as a Matter of Law and in the Alternative for New Trial in excess of the 12 page limit set forth in W.D. Local Rule 7(e)(4). Specifically, defendants seek permission to file their combined Motion not to exceed 20 pages.

II. GROUNDS FOR MOTION

Fed.R.Civ.P. 50(b) authorizes the filing of a renewed motion for judgment as a matter of law where a timely motion for judgment as a matter of law under Fed.R.Civ.P. 50(a) was brought and denied, and it provides that the moving party "... may include an alternative or

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Cause No: C11-5424 BHS

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joint request for a new trial under Rule 59.” Defendants’ FRCP 50(a) Motion for Judgment as a Matter of Law was timely filed after plaintiff rested his case at trial (Dkt. 258), and was denied by oral ruling of the Court. Defendants now intend to file a Renewed Motion for Judgment as a Matter of Law as authorized by Fed.R.Civ.P. 50(b), and to include an alternative request for a new trial based upon issues involving errors committed in jury instructions and evidentiary rulings during trial.

Pursuant to Local Rule 7(e)(4), motions of the type involved are among the “all other motions noted under LCR 7(d)(3)” which are not to exceed twelve pages. Due to the combined nature of the motion and the number of issues involved, more than twelve pages are necessary to fairly present the issues for resolution by the Court. Defendants believe their motion can be effectively drafted in a format not to exceed 20 pages

III. CONCLUSION

For the foregoing reasons, defendants request leave to file Defendants’ Renewed Motion for Judgment as a Matter of Law and in the Alternative Motion for New Trial not to exceed 20 pages.

DATED this 21st day of February, 2014.

/s/ Guy Bogdanovich

/s/ Jeffrey A. O. Freimund

Guy Bogdanovich, WSBA No 14777
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**DEFENDANTS’ MOTION FOR LEAVE TO FILE
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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury under the laws of the United States of America that on this 22nd day of November, 2013, I electronically filed Defendants' Motion for Leave to File Renewed Motion for Judgment as a Matter of Law and for New Trial in Excess of 12 Pages, and a Proposed Order Granting said Motion, with the Clerk of the Court using the CM/ECF system, who will send notification of such filing to the following parties:

Plaintiff Clyde Spencer and Matthew Spencer Attorneys

dhjohnson43@aol.com
kathleen.zellner@gmail.com
dandavies@dwt.com

DATED this 21st day of February, 2014 at Tumwater, Washington.

/s/ Marry Marze

**DEFENDANTS' MOTION FOR LEAVE TO FILE
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